IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL NO. 3252 OF 2005
To
FIRST APPEAL NO. 3259 OF 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

HONOURABLE MR.JUSTICE K.M.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SPECIAL LAND ACQUISITION OFFICER & ANR. - Appellant(s)

Versus

MANIBEN CHHOTBHAI PATEL & ANR. - Respondent(s)

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Appearance :
MR. A.D. OZA, GOVERNMENT PLEADER for Appellant(s) : 1 - 2.
MR. TRILOK J. PATEL for Respondent(s) : 1.
None for Respondent(s): 2.
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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

and

HONOURABLE MR.JUSTICE K.M.MEHTA

Date : 18/10/2005

COMMON ORAL JUDGMENT
(Per : HONOURABLE MR.JUSTICE R.S.GARG)

1. Admit.

Mr.Trilok J.Patel, learned Counsel, waives service of process of admission on behalf of the respondents-claimants and also waives the question of maintainability of the appeals

at the instance of the Special Land Acquisition Officer. As respondent No.2 is impleaded as formal party to complete the cause title, no notice of process of admission is required to be issued to him.

With the consent of the parties, the matters are finally disposed of.

2. This judgement shall dispose of the above referred appeals, which arise out of the land acquisition proceedings of Village-Tarva.

3. It is not in dispute before us that while awarding Rs.21.50 per sq.mt. as compensation, the learned Reference Court has relied upon the award made in the matter of Village-Kothav. It is also not in dispute before us that the award made on the land of Village-Kothav was challenged before this Court in First Appeal Nos.2226, 2236, 2260, 2270, 2237 and 2249 of 2005. A Division Bench of this Court, by its judgement dated 11th August, 2005, after admitting the appeals and on going through the records, observed that the said appeals deserve to be allowed and compensation was required to be reduced from Rs.21.50 to Rs.15.00 per sq.mt. only.

4. Mr. Oza, learned Government Pleader for the appellant, submits that as the Court below had relied upon the award made in relation to Kothav land and during pendency of the proceedings, compensation amount has been reduced, the said reduced amount now deserves to be allowed in favour of the

respondents/claimants.

5. Mr.Trilok J. Patel, learned Counsel for the respondents, after going through the records, specially the finding recorded by the Court below that the appellants were entitled to compensation at the same rate at which the compensation was paid for Kothav land, submitted that the award made by the High Court in relation to Kothav land may be observed in these matters also.

6. The appeals are partly allowed. The compensation awarded at the rate of Rs.21.50 is reduced to Rs.15.00 per sq.mt. Rest of the impugned judgment and award passed by the Reference Court is maintained. Let necessary decree be framed in each of the appeal.

7. From the records, it appears that Notification under Section-4 of the Land Acquisition Act, 1894 was issued on 12th December, 1990 and the matters are pending at different levels for almost about sixteen years. Under the circumstances, we direct the appellants/State to deposit the amount payable to the respondent-claimant within a period of three months from today.

[*R. S. Garg, J.*]

[*K. M. Mehta, J.*]

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